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## **Gypsies' and Travellers' Lived Experience of Harm: A Critical Hate Studies Perspective**

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This paper sets out how a critical hate studies perspective can explain and illuminate the hate harms experienced by Gypsies and Travellers in the UK. In doing so, it directly responds to the question of how criminological theory can move beyond existing debates in studies of race and ethnicity and engage more effectively with the wider social sciences. The critical hate studies perspective (James and McBride, 2018) provides a comprehensive theoretical approach to appreciating the harms of hate in late modernity. This framework challenges existing explanations for bias-motivated violence in society and proposes an approach that acknowledges the overarching role of neoliberal capitalism on individual subjectivity and subsequently the lived experience. By utilising this perspective, it is possible here to discuss the range and depth of hate experienced by Gypsies and Travellers and thus consider its genesis and the potential for positive praxis.

### *Introduction*

Studies of bias-motivated offending in criminology, termed as 'hate studies', have given rise to a plethora of research on the parameters of such crimes (see Perry, 2001; Hall, 2013) and their symbolic capacity within criminal justice processes (Mason, 2013). Further, hate studies have provided the opportunity for criminology to consider the boundaries of its project (Jenness and Grattet, 2001), identifying the necessity for criminology to re-engage with issues of racism (Dixon and Ray, 2007), and the social harms engendered by bias-motivated behaviours that are not defined as crimes (Tombs, 2018). With the intention of furthering discussion in this area, this paper identifies the harms of hate experienced by Gypsies and Travellers that are multiple and varied, normalised and complex. By utilising a critical hate studies approach (James and McBride, 2018) and drawing on empirical data gathered in a rural area of England, the paper considers explanations for the hate experienced by Gypsies and Travellers. The harms of hate discussed here constitute *subjective* harms that manifest as crimes, *systemic* harms that are inherent within processes and structures of governance, and *symbolic* harms expressed via speech and language (Žižek, 2008). The paper is therefore able to present a critical analysis of hate harms that recognises the human need to flourish, rather than simply to survive, in late modernity.

The paper will initially set out the existing 'problem' presented by Gypsies and Travellers, wherein their experiences of criminalisation and victimisation overlap and must be considered within the context of the tensions between (and misunderstandings of) sedentarism and nomadism. The paper specifically deals with issues of race, crime and victimisation by virtue of discussing the diverse communities represented by the limiting moniker of 'Gypsies and Travellers'. Further, the paper acknowledges and challenges hierarchies of difference that exist within legislation, policies and practice, and considers how a more nuanced approach, informed by the perspectives of Gypsies and Travellers themselves serves better to appreciate their lived experience (Phillips and Bowling, 2008). The paper then goes on to provide a framework for analysis that is informed by ultra-realist criminology (Hall and Winlow, 2015)<sup>1</sup>. In doing so, the paper responds to a call for critical thinking within hate studies (Perry, 2006).

The harms of hate are elaborated in this paper in relation to the realms of recognition human subjects require to flourish, that are love, esteem and respect (Yar, 2012). By approaching the harms of hate in this way, it is possible to identify and draw out the omnipresence of neoliberal capitalism on the lived experiences of Gypsies and Travellers as its vagaries serve to block access to true recognition of human needs (Honneth, 1996). The paper therefore, identifies how criminological theory can move beyond existing debates in studies of race and ethnicity and engage more

effectively with the wider social sciences, specifically psychology and sociology. In doing so, the paper intends to identify a nuanced approach that acknowledges the unique nature of Gypsies and Travellers' experiences as a specific minority perspective. However, the paper also makes a universal point about the nature of human subjectivities based on a consideration of the fundamental formation of the human self.

### *Methodology*

The theoretical approach here is based on a comprehensive reading of literature in the areas of identity, hate studies, criminology and Romani studies. In order to illuminate the theoretical framework the paper draws on evidence gathered in 2015 on the harms of hate experienced by Gypsies and Travellers that was part of a wider research study on the accommodation needs of Gypsies and Travellers in the South West of England (Southern et al, 2015). In agreement with the study funders<sup>2</sup>, that research incorporated a small survey of Gypsies' and Travellers' experiences of hate behaviours, including both hate incidents and hate crimes. The survey gathered data on what had happened and whether Gypsies and Travellers had reported the hate they had experienced to any formal or community reporting agencies, and if not, why not. The survey data incorporated closed and open questions on numbers of hate behaviours, as well as their locations, reporting, responses of agencies reported to, and perceptions of hate victimisation. A Gypsy and Traveller support organisation carried out the survey alongside the wider accommodation needs assessment. Respondents completed the survey themselves or received support to complete the survey so that all those sampled could contribute to the research, no matter their levels of literacy (McCaffery, 2009).

The Gypsy and Traveller accommodation assessment was completed by 187 people who lived in a range of accommodation including those who normally resided on approved sites as well as those who lived in illegal spaces. Because there is no existing sampling frame for this population, a snowball sample was utilised which targeted groups in known sites in the first instance and used their contacts to access other, harder to reach, Gypsies and Travellers. Although snowball sampling can be considered unrepresentative, it is a reasonably valid strategy that was sensitive to the shifting population and enabled access to be gained to people living on authorised sites, unauthorised spaces, transit spaces, and in bricks and mortar accommodation that tend to be the hardest groups to access (Sturgis, 2008). Of the 187 people that completed the accommodation needs assessment, 79 chose to answer the hate crime questions. Given the high number of questions in the accommodation needs assessment (54 questions) and thus the time taken to complete it, it was surprising and actually gratifying that 79 people were additionally prepared to answer the hate crime questions. It should also be noted that on two incomplete surveys notes were found stating, '*fearful of repercussion*'. Those people who chose to answer the questions self-identified as Romany Gypsies (41%), New Travellers (53%) and others, including Showpeople (6%), reflecting the proportions of the wider sample of Gypsies and Travellers in the accommodation needs assessment.

In addition to the survey, the research team followed up the hate crime survey with a small number of requests for interviews with respondents. Subsequently, three in-depth interviews with Romany Gypsy and New Travellers were completed. These telephone interviews each lasted for at least an hour and addressed a range of issues highlighted by the survey component of the research.

### *The 'problem' of Gypsies and Travellers*

Gypsies, Travellers and Roma constitute the largest minority in Europe (Council of Europe, 2011) and Gypsies and Travellers in the UK have been approximated to comprise 1.5% of the UK population (Greenfields and Smith, 2009). Defining the population of Gypsies and Travellers in the UK has been notoriously problematic. Although in the 2011 census space was provided for those of Romany

Gypsy and Irish Traveller status to self-identify, research suggests that those 63,000 people who completed the survey does not equate to their population in full (Cromarty, 2018). Indeed, one of the controversial, and arguably divisive, issues within Gypsy and Traveller studies is the determination of who qualifies as having Gypsy or Traveller identity and thus status. Policy and planning in this regard has served to confuse discussion and identification, and consequently the statistics. Race relations legislation acknowledges Romany Gypsies, Irish Travellers and Scottish Travellers as deserving protection as specific ethnic groups<sup>3</sup>. New Travellers and other Travellers, such as Show people, are not protected by this legislation, despite their inter-generational cultural nomadism<sup>4</sup> and their ethnicity in the case of Show people (LeedsGATE, 2019). Further, planning policy determines 'travellers'[sic] as only those people that are mobile and thus has negated the status of many Gypsies and Travellers, including those recognised as ethnic groups, for planning purposes if they stop travelling on a permanent basis. As noted by James and Southern (2018), this policy has potentially damaging consequences for the most vulnerable Gypsies and Travellers in England and Wales. The old and very young, disabled or infirm, are the least likely Gypsies and Travellers to be mobile and are thus the most likely to have their homes placed at risk within the planning policy framework, unless they are assimilated in to bricks and mortar accommodation that is often culturally anathema<sup>5</sup>. Overall then, the identity and status of Gypsies and Travellers in the UK is contradictory in policy and legislation. While Gypsies and Travellers themselves, and the civil society organisations that support them, are confident and proud in their cultures, common histories and differences, the state has failed to provide an overarching protective environment for them. Nor has it appropriately accommodated those communities, who have suffered what has been described as an 'accommodation crisis' (Cemlyn, et al, 2009) throughout the latter part of the 20<sup>th</sup> century and in to the 21<sup>st</sup> century.

Multiple research studies and papers have evidenced the marginalised position of Gypsies and Travellers in late modernity (Brearley, 2001; Frazer and Marlier, 2011; Greenfields and Brindley, 2016), including the negation of their 'cultural nomadism' (James and Southern, 2018:324; Kabachnick, 2009). Research has also identified the ways in which Gypsies and Travellers have been criminalised as a consequence of planning policy and practice. Indeed, Ellis and McWhiter (2008:82) refer to the planning process as the 'critical interface' between Gypsies and Travellers and the state. The failure to accommodate Gypsies and Travellers has often resulted in them stopping and staying in places that are deemed illegitimate and public order legislation used to move them on via formal eviction or the threat of such eviction. In association with this criminalising process, the localism agenda of recent coalition and conservative governments has facilitated settled communities negative (and often racist) perceptions of Gypsies and Travellers to inform planning processes and thus prevent site provision. The implications of this are multiple as all Gypsies and Travellers, whether living in bricks and mortar accommodation, legal or illegal sites are vilified and the application of racist tropes, are applied to them, no matter their ethnicity. Sibley (1988) uses the work of Douglas (1966) to explain the application of societal notions of 'purity and danger' to Gypsies and Travellers, and in doing so he notes how they are stigmatised as 'a threat to the integrity of the collective' (Sibley, 1988: 410). Thus, the public consciousness reduces Gypsies and Travellers to a negative, racialized 'other'.

Within the European policy environment lobbying by civil society organisations led to comprehensive EU-wide level policies for Roma<sup>6</sup> inclusion that was intended to guide states towards effective inclusionary policy and practice. However, the capacity of these policies to be impactful on the lived experience of Gypsies and Travellers has been questioned (James and Smith, 2017) and UK implementation of the EU Framework for Roma Inclusion has been 'exceptionally slow' (National Federation of Gypsy Liaison Groups et al, 2014: 13). In addition, the United Nations International

Convention on the Elimination of all Forms of Racial Discrimination periodic report (2016:6) found that Gypsies, Travellers and Roma in the UK 'continue to face exclusion and discrimination'. Further, recent research has identified that Gypsy, Traveller and Roma children in England and Wales experience deprivation in relation to their standard of living, education and/or health (Battaglini et al, 2018; EHRC, 2019).

Increasingly, a 'hate crime' agenda has provided policy and legislative vehicles for challenging the ill-treatment of Gypsies and Travellers in the UK. Redress for people victimised on the basis of their identity, and associated reporting mechanisms, have been developed that illuminate the extent of such victimisation. Based on and informed by the recommendations made by Macpherson (1999) following an enquiry into the racist murder of Stephen Lawrence, the hate crime agenda has developed similarly to other western jurisdictions, most notably the USA (Hall, 2015). Identifying offences motivated by hostility towards a person's identity, and associated policy frameworks, has functioned symbolically within states to 'punish, deter and denounce' hate behaviours (Mason, 2015). Notwithstanding critiques of the hate crime concept (see Jacobs and Potter (1998) for example), the hate crime agenda has rarely been comprehensive in its capacity to challenge all hate as outlined by Wickes et al (2016), and specifically hate against Gypsies and Travellers for two specific reasons. Firstly, despite the fact that policy encourages the reporting of hate incidents, as well as crimes, it is highly unlikely that they will be reported to agencies due to their regularity and the resilience this engenders (Williams and Tregidga, 2014) and their minor nature and victims' perceptions of likelihood for redress (Christmann and Wong, 2010). As Iganski (2008) notes and the research below identifies and discusses, many incidents of hate are petty and banal, akin to the everyday racism previously discussed by Essed (1991). Further, Gypsies and Travellers tend to conflate their experiences of hate incidents with discrimination and thus are unlikely to report to agencies that they perceive as prejudiced towards them, including those set up as third parties (James, 2014). This is despite the policy intention for third party reporting mechanisms to breach the gap between socially excluded communities and support agencies. Gypsy and Traveller support agencies' anecdotal evidence, as well as the evidence presented in the research below, suggest that Gypsies and Travellers are loath to report hate behaviours (House of Commons, 2019). This is troubling, given the cumulative impact of such events and the likelihood of their seriousness increasing (Bowling, 1999).

Secondly, the complexity of policy and legislation defining Gypsy and Traveller identities means that they are not necessarily, and/or they do not perceive themselves to be, protected by hate crime policy and legislation. Some Gypsies and Travellers are able to report race hate behaviours, as per their protected ethnic identity (such as Romany Gypsies and Irish Travellers). However, those Gypsies and Travellers not recognised within legislation as a specific ethnic group (such as Show people and New Travellers) are thus not incorporated within the race hate protections, despite their cultural, and often ethnic, similarities. This can result in some Gypsies and Travellers' experiences going unrecorded, subsequently not investigated nor supported by the police and other agencies that the flagging of an incident as hate behaviour would otherwise trigger. While some policing agencies do record hate behaviours beyond the five protected categories in legislation that might provide some additional support for all Gypsies and Travellers in those areas, this is not common (Traveller Movement, 2018).

### *Critical Hate Studies*

'Critical hate studies' (James and McBride, 2018) developed as a response to a call by Perry (2006) for greater critical theorising in hate studies. Further, the perspective grew out of a specific concern that existing critical theorising (Perry, 2001) was unable to explain the breadth of hate behaviours in

society that were both extreme and 'everyday' (Essed, 1991; Iganski, 2008) and have been exacerbated by the failure of agencies to implement joined-up, effective responses to bias-motivated behaviours (HMICFRS, 2018; Chakraborti, 2018). Perry's (2001) work within hate studies has been seminal and has arguably provided the critical backbone to research in this area (Hall, 2015). Perry (2001) argues that hate behaviours serve to reinforce structural boundaries in society that sustain privilege according to race, gender and sexuality. In her analysis, Perry uses Messerschmidt's (1997) structured-action approach to explain how human subjectivity is informed by hegemonic norms. Critical hate studies acknowledges the need to provide a critical analysis of hate in late modernity underpinned by a nuanced account of human subjectivity, drawing on ultra-realist theorising (see Hall and Winlow, 2015) to meet that aim.

The critical hate studies perspective acknowledges that the overriding condition of late modern society is the neoliberal capitalist political economy, as identified by critical theorists (Harvey, 2005; Davies, 2017). Neoliberal capitalism has seen a shift in the logic of social organisation, from an environment ordered according to political judgement to one ordered by economic evaluation. Structures of power based on race, gender, class and sexuality have therefore increasingly been co-opted to serve the needs of capital in a society that equates value with fiscal success, rather than political prowess. Neoliberal capitalism encourages and engenders flexibility and adaptability, individualism and competitiveness, while ensuring adherence to market principles in delivery of services, and reduction of costs in provision of welfare. Thus, the neoliberal capitalist political economy embraces the power of the individual within the confines of meeting market needs. This shift in the logic ordering the social world (while more complex and nuanced than I am able to give credit to here), has created an environment within which individual identity characteristics are not core determinants of success or failure in life. The power of elites, and thus the power of white propertied men, has been retained within neoliberalism as wealth, production and ownership has been held in the hands of the few as a consequence of the industrial revolution and the colonial project, and their inherent racism and sexism (Cain and Hopkins, 2001). However, within the competitive individualism of neoliberalism, status provided by race, gender, or even class or sexuality do not always assure privilege as they can be subverted by the 'special liberty' provided by neoliberal ideology (Hall and Winlow, 2015: 120). Thus, it behoves critical hate studies scholars to consider how and why hate manifests within these conditions. In order to do this, it is necessary to consider the impact of neoliberalism on human subjectivity and consequently how we think about other people within society as hateful subjects.

According to a transcendental materialist model of subjectivity (Johnston, 2008; Žižek, 2006), the self is realised via interaction within the social world and is indeed reliant on that environment for its formation, as per Perry's (2001) analysis. However, the distinction here is the use of Lacan's (1977) work in identifying the infinitely malleable nature of the human psyche that requires an ordering mechanism to make sense of the world. Lacan's approach to the development of subjectivity identifies the human psyche as in search of a symbolic order that can direct and provide capacity for the complex range of emotions and drives that manifest in the neurological system; Lacan therefore suggests that the natural drives and desires of the human subject require channelling. Within a neoliberal environment, that channelling symbolic order is weak as neoliberal capitalism relies on a flexible human condition wherein natural drives and desires are channelled in to the market, rather than any sense of collectivity as might manifest in culture and thus create boundaries to capital accumulation (Winlow and Hall, 2016). The human subject then is left wanting, lost within a quagmire of neurological triggers and ontological insecurity (Hall, 2012) that are pacified only by collectivity that is oriented around individualised, competitive identities, rather than notions of community and/or culture (Hall and Winlow, 2015).

Having established that neoliberalism creates the conditions within which we live, and our subjective identity is formed via interaction within the conditions of neo-liberalism, we can understand and explain why hate manifests in multiple aspects of social life. Extreme acts of bias-motivated offending are explained as individuals in search of an ordering mechanism in their lives embrace religious dogma, ideological systems based on hierarchical notions of race, gender, sexuality and/or other defined ideologies. Everyday acts of bias-motivated violence are explained as without any effective symbolic order individuals experience a sense of 'objectless anxiety' wherein competition and individualism means that 'everyone is automatically a potential real threat to anyone else's livelihood, status and identity' (Hall and Winlow, 2015:114; see also, Hall et al, 2008).

Critical hate studies then provides a theoretical backdrop to understand why hate harms happen as identified here. Furthermore, it goes on to suggest that in order to appreciate the lived experience of hate victimisation within neoliberalism it is necessary to use a framework that incorporates all the harms of hate that are subjective, systemic and symbolic (Žižek, 2008). In order to do this critical hate studies utilises the theory of recognition as developed by Yar (2012) using Honneth (1996) that sets out the necessity for humans to be respected, esteemed and loved in their lives in order to flourish. Although critiques of theories of recognition pose relevant and useful questions (Fraser, 2001; Toniolatti, 2015), the purpose of the theory here is to provide one way of unpacking the harms of hate within neoliberalism that acknowledge the development of human subjectivity. Recognition of the human need to flourish facilitates appreciation of the harms caused by its negation. Critical race theory identifies the symbolic violence of negating human experiences, be that within for example, policy discourse, legislation or historical narrative (Bell, 1980). The critical hate studies perspective argues that negation of recognition occurs throughout society, but is particularly felt within the precariat wherein marginalised people exist at the bottom of social hierarchies (Standing, 2014). As noted above, some Gypsies and Travellers are not ethnic groups; Gypsies and Travellers lived experience of hate exemplifies the limitations of critical race theory in this regard. To suggest that ethnicity does not determine all Gypsy and Traveller identities does not, in turn, intend to negate the rich, varied and strong ethnic experiences of the majority of Gypsies and Travellers. Indeed, to do so would be to fail to recognise the history of suffering that Gypsies and Travellers have experienced as a result of racism, not least the Porajmos<sup>7</sup> (Huttenbach, 1991). Rather, the point here is to provide an inclusive approach that recognises all Gypsies and Travellers experiences of hate in the contemporary era, including, but not limited to, their experiences of racism.

### *The Harms of Hate*

The theory of recognition (Yar, 2012) provides a useful framework to illustrate the harms of hate. In the first instance, it is necessary to consider the denial of recognition of the need for respect for Gypsies and Travellers. Lobbying by academics, policy makers, civil society and practitioners has meant that, of all the realms of recognition, there has been most recognition of Gypsies' and Travellers' needs in this area. As noted above, policy and legislation on both race hate behaviours and racially aggravated offending have recognised many Gypsies and Travellers as victims. Indeed, the acknowledgement of Gypsies and Travellers as marginalised communities has imbued contemporary reports and policy documents as noted above (and see for example, Lammy, 2017; Cemlyn et al 2009). The implementation of policies for Gypsy and Traveller inclusion has been slower in materialising however (James and Smith, 2017), similar to the slow implementation of hate crime legislation generally (Mason, 2015). At the same time, the criminalisation of Gypsies and Travellers continues unabated, as evidenced in the failure of local authorities to provide accommodation to Gypsies and Travellers at the same time as the Home Office announcement of proposed new powers for police to 'crack down on illegal traveller sites' (sic) (Home Office, 2019). While these new powers

are couched within the language of accommodation provision, historically similar intentions have not been realised (Taylor, 2014). Hence, we see in practice the paradox for Gypsies and Travellers in England and Wales, wherein their needs are recognised via multiple policy and legislative mechanisms while also negated within that same arena via criminalisation of their cultural nomadism. In addition, as noted above, the complexity of and inherent contradictions within definitions of Gypsy and Traveller identities in policy and legislation means that all Gypsies and Travellers are vulnerable in this context.

It is apparent from the above that two key issues arise. Firstly, there has been a failure by policy makers to appreciate the multiplicity of Gypsy and Traveller cultures and communities in the UK and hence there is a lack of 'joined up' thinking regarding provision of statute. Secondly, essentialised notions of race and mobility have informed those statutes and thus exacerbated those misunderstandings. It has been argued elsewhere that the application of a 'sedentarist binary' (James and Southern, 2018: 1) definition of nomadism within contemporary policy has failed to appreciate the cultural nomadism of Gypsies and Travellers, but rather has reduced their cultures<sup>8</sup> to their mobility. Gypsies and Travellers are racialized and experience racism in their everyday lives (Clark, 2006). However, to reduce Gypsy and Traveller identities to race and/or ethnicity, not only excludes significant populations, but also serves to augment essentialist perceptions of Gypsies and Travellers as the mythical Romany (Holloway, 2005) that excludes other ethnic groups of Gypsy and Traveller.

Here, it is important to note the way in which neoliberalism 'has assembled its projects and interests from the field of issues saturated with race, with gender, with sex, with religion, with ethnicity and nationality' (Duggan, 2012:xvi; see also Brown, 2015). Thus, the racialized mechanisms used to project hate on to Gypsies and Travellers, such as racist speech and language, exclusion from premises and criminalisation, reflect those experienced by other minority communities (see Goldberg and Solomos, 2002). Respondents to the hate crime project referred to their experiences of racism in a number of ways:

*'I don't think they would have taken me to court if I wasn't a gypsy girl'. (Res 2.7)*

*'Been called a pikey'. (Res 3.9)*

*'I am victimised because racism is tolerated'. (Res 4.29)*

*'Gippo'. (Res 2.1)*

In addition, references to Gypsies and Travellers as analogous with 'dirt' (Sibley, 1988) were also evident in the research:

*'Rubbish thrown at property'. (Res 4.6)*

*'Called mud people'. (Res 1.4)*

*'Bars of soap left [outside trailer]'. (Res 3.2)*

Gypsies and Travellers interviewed were pertinently aware of the lack of respect given to them by those in authority. For example, respondents stated:

*'We don't matter to the authorities'. (Res 4.3)*

*'When I deal with any kind of office, they reject me/turn me down'. (Res 3.7)*



*'The government still seem to think its OK to treat me as a 3<sup>rd</sup> class citizen... I think they would love to complete their "ethnic cleansing" plans'. [speech marks in original] (Res 4.7)*

It was unsurprising therefore, that the Gypsies and Travellers in the research had only reported 28% of the hate crimes they said they had experienced, compared to a national average of 51% for hate crime generally (Flatley, 2018). Interestingly, those reports that had been made were to the police, rather than to 3<sup>rd</sup> parties as might have been expected. The provision of 24 hour, 3<sup>rd</sup> party reporting centres has served as a central plank of the hate crime agenda in the post-Macpherson era that acknowledged marginalised communities lack of confidence in police services (Macpherson, 1999). However, none of the Gypsies and Travellers in this research had reported any incidents or crimes to a 3<sup>rd</sup> party, potentially suggesting the lack of faith in authorities reaches beyond the police for Gypsies and Travellers as evidenced in this research, noted above, by some reticence to complete the hate crime survey. Research has previously shown that Gypsies and Travellers lack trust in authorities generally due to the multi-agency approach used to manage them historically as a problem community (James and Richardson, 2006). This may explain their unwillingness to engage with 3<sup>rd</sup> party reporting mechanisms. A hate crime reporting mechanism specifically for Gypsies and Travellers has been set up since the completion of this research study that has seen some significant reporting over the last two years (Thompson and Woodger, 2018).

Despite their occasional willingness to report hate incidents and crimes to the police, Gypsies and Travellers generally lacked confidence in the police, similar to other marginalised communities (Phillips and Bowling, 2017). Interactions with police constituted negative encounters as described by the Gypsies and Travellers in the research:

*'Told by a policeman that people like us should be put against a wall and shot as there was no place for people like us in society'. (Res 4.5)*

*'I suffered post-traumatic stress after an incident where the police raided a site I was living peacefully on.... The use of force to innocent people and children was shocking'. (Res 3.3)*

Overall then, the recognition of Gypsies and Travellers needs within policy and legislation evidences a positive step-forward in delivering respect to those communities. However, a failure to embed a comprehensive appreciation of the variety of Gypsy and Traveller ethnicities and cultures has meant that their experiences overall are not recognised and they thus experience social harms that are systemic as policing authorities practice badly and lack legitimacy for Gypsies and Travellers. The hate crime agenda has a symbolic function to challenge prejudice through legislative means (Mason, 2013), but it fails in this regard by being exclusive in protecting some groups more than others and subsequently augmenting the hierarchy of deserving victims (Chakraborti and Garland, 2012). As such, the current hate crime agenda actually produces a symbolic social harm as Gypsies and Travellers are either placed at the bottom of the hierarchy of provision or are left out of its' protective mechanisms.

Mason (2013) argues that hate crime legislation is reliant on victim communities' capacity to elicit some form of compassion from wider society for its symbolic function to be realised. Given the extensive and historic racism faced by many Gypsies and Travellers, their ability to stimulate concern from the wider social world is highly unlikely in the first instance (Pew Research Centre, 2014). Further, the contemporary neoliberal milieu of competitive individualism facilitates detachment, rather than empathy. Gypsies and Travellers then, exist within the precariat, wherein they must fight for access to resources amongst numerous other socially excluded (and disliked) people who are likewise trying to ascend the ladder of status hierarchy. The competition between Gypsies and

Travellers and other minority communities was evident within the hate research project, as one respondent encapsulates here:

[There was] *'a petition in a shop nearby transit site. Racist in my view but, apparently not in the eyes of the police. I'm sure if it had been against Black/Asian minorities action would have been taken'. (Res 2.3)*

In addition, competition between Gypsy and Traveller communities has previously been noted in research (Bhopal and Myers, 2008), with specific references to the problematisation of New Travellers as illegitimate, despite having lived culturally nomadic lifestyles for generations (Clark, 1997). Beyond this, other Gypsies and Travellers have also competed for status within the hierarchies of provision and legitimacy. Greenfields (2006:55) says,

*'when there is significant pressure over sites, land usage and the level of discrimination and bad publicity that Travellers commonly experience, it is human nature that individuals will have a tendency to express the opinion that "it's not Travellers like X, its Travellers of Y ethnicity who behave in this manner". Accordingly a perceived hierarchy of "acceptable Travelling communities" may be said to exist in the minds of the media, the public and, to some extent, of Gypsies and Travellers themselves.'*

The 'human nature' Greenfields refers to here, I would argue, relates to the subjective identity developed within the competitive and individualised norms of neoliberal capitalism. Indeed, the lack of site provision for Gypsies and Travellers, augmented by the closure of their traditional stopping places since the 1960s (Taylor, 2014), has meant that competition for spaces to stop and stay on has proliferated and been amplified by the cultural nomadism of New Travellers. Subsequent stigmatisation of Gypsies and Travellers, alongside existing racism, has manifested within media and public perceptions, as well as within Gypsy and Traveller cultures themselves. Within this research, some Gypsies and Travellers referred to internal tensions between cultures:

*'The problems I have had is from people on site. Prejudice from people on site'. (Res 4.1)*

*'They want me off the site'. (Res 2.42)*

The lack of solidarity between people and communities that status hierarchies create (as noted by Hall et al, 1978), result in a failure of recognition of the human need for esteem. With no effective symbolic order for humans to acknowledge each other within, that is respectful of their similarities and differences, the capacity for human flourishing is diminished. This research evidenced the low esteem that Gypsies and Travellers are held in by wider society. The 79 people who completed the survey reported a total of 225 hate incidents or crimes committed against them on the basis of their identity as a Gypsy or Traveller. Bias-motivated incidents they experienced included hate speech through *name calling* (81% of respondents), *general bullying* (71% of respondents) and serious threats and intimidation (29% of respondents), including *sexualised intimidation, harassment, and unwanted photography and filming*. Bias-motivated crimes they experienced included *minor damage to property* (30% of respondents), *serious damage to property* (20% of respondents), *minor physical assault* (20% of respondents), and *serious physical assault* (15% of respondents). Other offences experienced were, *burglary, theft, stone throwing, brick throwing, being shot at, and arson* (overall 19% of respondents).

One interview from the research reveals Gypsies and Travellers lived experience of fear and insecurity, the difficulty to find a space to stop and stay on and their inability to rely on others for help or support:

*In the past Sandra\* has experienced extensive bullying and abuse due to being a Traveller. She has been banned from launderettes, pubs and shops and her living vehicles have been subject to criminal damage. Most recently, she was invited to occupy a particular place by a landowner, which appeared an opportunity to provide space for herself and other Travellers to settle for a period. She had not been to the locality before and there were no available legitimate stopping sites in the vicinity. She felt that this invitation to occupy farmland equated to a safe place to stop. One afternoon, not long after their arrival, around 30 local farmers, armed with shotguns, turned up at the site telling the Travellers to move on and threatening that if they had not left by the end of the day, they would return at night. Given that the Travellers felt they had been given the right to stay on the land by the landowner, that it was a group of four families with a total of nine young children aged 5 to 9, and they were unfamiliar with anywhere else to go, the Travellers stayed on the site. The threat of the farmers returning meant that the Travellers were fearful for their children. These fears were made worse by their previous negative experiences of ill-treatment by gorgers (non-Gypsies). The Travellers were so fearful that they arranged escape routes from the site and hiding places for the children in case the farmers should return. This involved placing sheepskin rugs over barbed wire fences and placing duvets, torches and food in secluded hiding spots nearby. (Int notes S, \*pseudonym)*

In this circumstance, it transpired that the landowner had an ulterior motive for the Travellers occupation of his land, as he was using their presence to place pressure on the local authority to agree a previously refused planning application for a building on his land. Not only then are Gypsies and Travellers perceived as problematic within communities, they are also in this instance considered to serve a purpose as a consequence of the lack of esteem held for them by sedentary communities and authorities alike. Suggestions that this simply represents a clash between nomadism and sedentarism (Levinson and Sparkes, 2004) would be to reduce appreciations of nomadism to mobility, and would negate the fact that mobility has been largely embraced in contemporary society, when it has served the interests of profit (James and Channing, 2019). Indeed, the caravanning industry, that serves the seasonal use of caravans and parks for people to holiday, has burgeoned in the late 20<sup>th</sup> century and caravan sites for holidaymakers cover the countryside where this research was completed.

The extensive subjective, systemic and symbolic harms detailed above place Gypsies and Travellers in fear of their and their families' safety. The insecurity of everyday life in contemporary neoliberal society manifests acutely within, and is exacerbated by, the precarity of Gypsies and Travellers' lived experience. Within such circumstances it is unsurprising that Gypsies and Travellers commonly hide their identity from those in authority and others outside of their community (James, 2007). In doing so however, they risk further harms to themselves and the primary interpersonal relationships they have. Recognition of the human need for love is essential for human beings to thrive and thus its negation is highly problematic. Within the hate research project, a number of parents noted the trouble caused to their children when they identified them as from Gypsy and Traveller homes:

*'School said they had a vacancy for our youngest daughter until I said where we lived and was then told they made a mistake and didn't have any vacancies'. (Res 2.8)*

*'I did take my daughter out of Year 7 because of bullying related to her living in vehicles'. (Res 3.7)*

The failure to recognise a loved one's identity is to negate their cultural inheritance and their sense of self, causing harm to them as they develop their subjectivity in relation to those that care for

them most. This symbolic harm is augmented by wider society's exclusion of Gypsies and Travellers and essentialism of their cultures, as noted above. Powell (2008) suggests that Gypsies and Travellers utilise their limited agency through tactically circumventing social controls placed on them. Indeed, within this research, some participants evidenced their resilience to hateful behaviours through averting their impact:

[I don't report] *'because I don't identify as a victim'*. (Res 4.53)

[Victimisation is] *'just general assumptions based on stereotypes, easily turned around via the provision of info in response to ignorance, always a positive game changer 😊'*. (Res 5.6)

This is not to suggest that Gypsies and Travellers are not subject to social forces, but rather that they retain their cultural integrity through tactics of aversion that has resulted in resilience, similar to participants in research by Williams and Tregidga (2014). This means that Gypsies and Travellers live separately from wider society of their own volition, as well as, as a consequence of their exclusion. While their laudable attempts to resist the oppression of others means that they can occasionally exist beyond the reach of control agencies, this also means that they can exist beyond the reach of other, supportive agencies. Further, it results in the amplification of the cultural essentialism imposed upon them. This means that effective resolution of domestic and community problems is not facilitated, as Gypsies and Travellers lack confidence to report such matters and support agencies are fearful to broach them. Apart from progressive work carried out by civil society organisations, there is barely any research on domestic violence, homophobia, transphobia, or inter-community anti-Gypsyism within Gypsy and Traveller communities. Given the rates of such issues in wider society, it behoves us to consider how to breach this gap to ensure that Gypsies and Travellers attain recognition of their need for love.

### *Conclusion*

This paper has identified the breadth of hate harms Gypsies and Travellers experience within contemporary neoliberal capitalism. By using a critical hate studies approach, it has been possible to provide an inclusive analysis that recognises the lived experience of hate for all Gypsies and Travellers. The paper has therefore set out how critically informed scholarship on hate can inform knowledge in two ways. Firstly, it can facilitate criminology to move beyond existing debates in studies of race and ethnicity via the inclusion of Gypsies and Travellers within discussion where they have previously been negated (see for example, Spalek, 2008). Secondly, it enables criminological engagement with the wider social sciences, specifically psychology and sociology, to examine the impact of neoliberal capitalism on human relations generally, while ensuring acknowledgement of the nuanced experiences of minority communities. Notwithstanding existing research on microaggressions (see for example, Sue, 2010; Hughey et al, 2017) a key area of concern within hate studies has been the apparent inability of critical theory to explain the everyday nature of hate, as well as extreme hate behaviours committed against multiple communities. Scholarship in this area has vacillated around the concept of hate itself, whom to protect within policy and legislation, and how to challenge increased levels of hatefulness in contemporary society. This paper proposes a rehabilitation of the notion of hate through the lens of social harm. It has been evidenced here that Gypsies and Travellers experience hostility towards them on the basis of their identity and thus, the necessity to examine and theorise hate is important and relevant, as is the development and implementation of statute to challenge hateful behaviours. Indeed, some protections against race hate are in place, however existing protective frameworks simply serve as silos that can be breached but commonly are not, due to a lack of solidarity between and within marginalised communities and wider society. While the capacity of this paper does not allow a full consideration of policy

development, and further research is required, it is worth noting the need for more than piece-meal policy and legislative changes that only have the capacity to address specific hateful behaviours (Brown, 2015). A critical hate studies perspective suggests that hate studies could expedite a comprehensive and effective approach to positive praxis through recognition of the human need to flourish. In doing so, a positive discourse would develop that focused on what should, rather than should not, be experienced (Hall and Winlow, 2015). It would then be possible to create a policy and practice environment that effectively acknowledges that *race matters*, but which also acknowledges the intersectional nature our identities and the harmful subjectivities engendered within contemporary neoliberal society.

1. Ultra realism has, to this point, focused attention on the position of marginalised white men in the post-industrial north of England and has presented a critique of identity politics as a tool to the provision of equality. This study identifies how the underpinning theoretical principles of ultra-realism can inform explanation of multiple harmful subjectivities including, but not limited to, studies of hate.
2. The research was funded by Cornwall County Council who agreed to publication of the study findings.
3. Roma are likewise acknowledged as an ethnic group, as noted in Crown Prosecution Service guidance (2018).
4. Cultural nomadism values 'the tradition or even potential of nomadism, economic independence and flexibility, different family structure, language and caravan dwelling' (Kabachnik, 2009: 469).
5. Various case law has set out that Gypsies and Travellers may have a cultural aversion to conventional housing in 'bricks and mortar' accommodation (Johnson and Willers, 2007)
6. Within the European Union the overarching moniker of Roma is used to incorporate all Gypsies and Travellers as per agreement at the first World Romani Congress in 1971.
7. The Porajmos is the term used by Gypsies, Travellers and Roma for the extermination of Roma as part of the Nazi holocaust.
8. 'Cultures' as: borne of 'a set of generational customs, practices and, and rituals that are grounded in local and particular settings' (Deneen, 2018: 64)

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